(1)

03

P.R. No. 99/06
Presented by Shri BK Kashyap
dated 6/1/06

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 99 /2006

PETITIONER : Jitendra Kumar Kashyap
S/o Late Vishnu Prasad Kashyap, aged about 31 years, R/o Purani Basti, Lohar Chawk, Raipur (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh Through, the Secretary General Administration Department D.K.S. Bhawan Raipur (C.G.)
2. State of M.P. Through, the Secretary General Administration Department, Vallabh Bhawan, Bhopal, (M.P.)
3. Chief Medical and Health Officer Durg (C.G.)
4. Joint Director Medical Services, Raipur Division, Raipur (C.G.)
5. Union of India, Through Secretary, Deptt. of Personnel & Public Grievances, New-Delhi.

RECEIVED
6.1.06
R/CLERK to A. G. BILASPUR

for THAKUR VIJAY SINGH
Asst. Solicitor General of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 99/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

9-1-2006

Petitioner by Shri Ratan Pusti, Advocate.

Shri S.P. Kale, Panel Lawyer, for the State.

Shri S.K. Beriwal, Sr. Panel Lawyer for the Union of India.

With consent, heard finally.

This case relates to compassionate appointment consequent upon the death of an employee serving in the State.

Learned counsel for the petitioner categorically stated that in this case, the death of the employee has occurred on 1-9-1998 i.e. after 1-11-1997 and not earlier. It is further submitted that in batch of cases bearing W.P. No.1322/2002 involving the same question orders have been passed by this Court on 20/12/2005. He prays that similar orders may be passed in this case also.

Learned counsel for the State does not dispute the above fact and states that the State of Chhattisgarh has taken a decision to consider the cases of dependants of those employees who died on or after 1/11/1997 strictly in accordance with the policy prevalent at that time.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the State of Chhattisgarh and the authorities concerned to consider and decide the case of the petitioner in accordance with the policy prevalent at the time of death of the employee concerned. If the petitioner found eligible, appointment orders will be issued as early as possible on or before 30th April, 2006. The petitioner is also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of the petition before this Court.

With the aforesaid observations, this petition stands disposed of.

Consequently, M.W.P. No.112/2006 and I.A. No. 331/2006 also stand disposed of.

Certified copy as per rules.

Copy to the State counsel, who will be obliged to communicate the order to the respondents for compliance.

Sd/-
Fakhruddin
Judge

Pathak/-

SP/FS/2005 - 20,000